

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 18, 2011, 8:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-three senators present.
Senators Apple, Brungardt, Donovan, Kelsey, King, Morris and Steineger
were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The weather has warmed up
And the weekend has arrived.
The whole state's in the fifties,
Averaging fifty-five.

Senator Morris may live the farthest,
Hugoton is his home.
Besides the trip to Hugoton,
He sometimes has to roam.

I heard him say one time
When he was the featured speaker;
Colorado and Oklahoma capitals
Were closer than Topeka!

I pray for all the Senators
Whether close or far away.
Keep them safe as they travel
And try to rest at least a day!

I pray for their families
Who miss them when they're gone,
And their business often needs them
When they're far away from home.

May they not be overworked,
But have time to relax;
And be ready for committees
And the session when they're back.

I pray in the Name of Jesus Christ,

AMEN

The pledge of allegiance was led by Vice President John Vratil.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 212**.

Commerce: **HB 2134**.

Education: **HB 2017**.

Judiciary: **HB 2071**.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **SB 125** be passed.

Also, **SB 130** be amended on page 3, in line 35, by striking "100" and inserting "300"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 93** be amended on page 1, in line 23, by striking "Biased" and inserting "Racial or other biased-based"; in line 26, by striking "biased" and inserting "racial or other biased-based";

On page 2, by striking all in lines 2 through 4; following line 4, by inserting:

"Sec. 2. K.S.A. 22-4609 is hereby amended to read as follows: 22-4609. ~~The race, ethnicity, national origin, gender or religious dress of an individual or group shall not be the sole factor in~~ It is unlawful to use racial or other biased-based policing in:

(a) Determining the existence of probable cause to take into custody or to arrest an individual~~or in;~~

(b) constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle; or

(c) determining the existence of probable cause to conduct a search of an individual or a conveyance.";

Also on page 2, in line 7, by striking "biased" and inserting "racial or other biased-based"; in line 8, by striking "biased" and inserting "racial or other biased-based"; in line 17, by striking "biased" where it appears for the first time and inserting "racial or other biased-based"; also in line 17, by striking "biased" where it appears for the second time and inserting "racial or other biased-based"; in line 25, by striking "and" and inserting "or"; in line 26, by striking "biased" and inserting "biased-based"; in line 27, by striking "and" and inserting "or"; also in line 27, by striking "biased" and inserting "biased-based"; in line 28, by striking "and" and inserting "or"; also in line 28, by striking "biased" and inserting "biased-based"; in line 29, by striking "shall" and inserting "may"; in line 33, by striking "with"; by striking all in line 34; in line 35, by striking all before "community" and inserting "of cities or counties that have exercised the option to establish"; also in line 35, after

"boards" by inserting "pursuant to section 6, and amendments thereto, use of such community advisory boards"; in line 38, by striking "biased" and inserting "racial or other biased-based";

On page 3, in line 1, by striking "biased" and inserting "racial or other biased-based"; in line 3, by striking "biased" and inserting "racial or other biased-based"; in line 5, by striking "biased" and inserting "racial or other biased-based"; in line 12, by striking "biased" and inserting "racial or other biased-based"; in line 16, by striking "biased" and inserting "racial or other biased-based"; in line 19, by striking "biased" and inserting "racial or other biased-based"; in line 28, by striking "and biased" and inserting "or other biased-based"; in line 29, by striking "and biased" and inserting "or other biased-based"; in line 31, by striking "and biased" and inserting "or other biased-based"; in line 32, by striking "and biased" and inserting "or other biased-based"; in line 35, by striking "profiling and"; in line 36, by striking "biased" and inserting "or other biased-based"; in line 38, by striking "and" and inserting "or"; also in line 38, by striking "biased" and inserting "biased-based"; in line 40, by striking "and" and inserting "or"; also in line 40, by striking "biased" and inserting "biased-based"; in line 43, by striking "and biased" and inserting "or other biased-based";

On page 4, in line 4, by striking "biased" and inserting "racial or other biased-based"; in line 5, by striking all after "with"; in line 6, by striking all before the period and inserting "the office of the attorney general"; in line 7, by striking "commission" and inserting "attorney general"; in line 8, by striking "commission's designee" and inserting "attorney general"; in line 15, by striking "biased" and inserting "racial or other biased-based"; in line 18, by striking "Each law enforcement agency shall" and inserting "The governing body of a city or county may"; in line 20, by striking ", by January 1, 2012,"; in line 21, by striking "profiling and biased" and inserting "or other biased-based"; also in line 21, after "or" by inserting "may require the law enforcement agency of such city or county"; in line 22, by striking "beginning July 1, 2011,"; in line 23, by striking "The" where it appears for the first time and inserting "Any"; also in line 23, after "plan" by inserting "adopted pursuant to this section"; in line 24, by striking "and" and inserting "or"; in line 35, by striking "include"; following line 36, by inserting "(c) Data collection, if required by the governing body, may consist of, but shall not be limited to, one or more of the following for every vehicle stop:

- (1) Originating agency identifier number;
- (2) time and date of the stop;
- (3) duration of the stop in ranges of one to 15 minutes, 16 to 30 minutes or more than 30 minutes;
- (4) beat, district, territory or response area where the traffic stop is conducted;
- (5) primary reason for the officer's investigation, and specifically, whether the stop was call related or self initiated;
- (6) primary reason for the stop, and specifically, whether the stop was based on a moving violation, an equipment violation, reasonable suspicion of a criminal offense, other violation, to render service or assistance, suspicious

circumstances, pre-existing knowledge or special detail;

(7) county code of vehicle registration, if registered in Kansas, and state code, if registered outside Kansas;

(8) age, race, gender and ethnicity of the primary person stopped by the officer;

(9) source of the information required by paragraph (8), and specifically, whether it was obtained from officer perception or investigation;

(10) whether the officer was aware of the information required by paragraph (8) prior to the stop;

(11) number of occupants in the stopped vehicle, including the driver;

(12) type of action taken, including citation, warning, search, arrest, assistance provided or no action. If the action taken is an arrest, the data collection shall also include the type of arrest, including warrant, resisting arrest, property crime, persons crime, drug crime, traffic crime, DUI or other type of arrest;

(13) if a search was conducted, the rationale for the search, including vehicle indicators, verbal indicators, physical or visual indicators, document indicators (DOT), incident to arrest or other rationale;

(14) if a search was conducted, the type of search, including consent search, consent requested but consent denied, inventory, stop and frisk, search warrant, incident to arrest, plain view or probable cause; or

(15) if a search was conducted, the type of contraband seized, if any, including currency, firearms, other weapons, drugs, drug paraphernalia, alcohol products, tobacco products, stolen property or other contraband.

New Sec. 6. The governing body of any city or county may, by ordinance or resolution, establish a community advisory board to work with the law enforcement agency of such city or county in accordance with the provisions of K.S.A. 22-4606 et seq., and amendments thereto.;

And by renumbering sections accordingly;

Also on page 4, in line 37, after "K.S.A." by inserting "22-4604, "; also in line 37, after "22-4608," by inserting "22-4609, ";

On page 1, in the title, in line 1, by striking "22-"; in line 2, by striking "4608" and inserting "22-4609"; also in line 2, after "sections" by inserting "; also repealing K.S.A. 22-4604 and 22-4608"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 150** be amended on page 2, in line 41, by striking "or" where it appears for the second time and inserting "and 50 or more electors of the territory have signed a petition;

(2) ";

On page 3, in line 1, by striking "(2)" and inserting "(3)"; in line 7, by striking "or " where it appears for the second time and inserting "and 50 or more electors of the territory have signed a petition, "; in line 9, by striking the comma; in line 19, by striking ", 250 or more, "; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 100** be amended on page 4, in line 18, by striking "10" and inserting "four"; also in line 18, by striking "by providing"; by striking all in lines 19 through 22; in

line 23, by striking "the effective date of this act, or"; and inserting "and"; in line 31, after "association" by inserting "designated"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1816 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 18, 2011.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Monday, February 21, 2011.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

